

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Wednesday, July 8, 2009
5:45 P.M.

Invocation by Pastor Dave Land, New Life Assembly of God.

Pledge of Allegiance.

Mayor's Welcome.

Presentation by Mesa United Way

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items. If you are interested in speaking on an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

CONSENT AGENDA

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the Consent Agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

(Members of the Mesa City Council will attend either in person or by telephone conference call).

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1. Take action on all consent agenda items.
- *2. Approval of minutes of previous meetings as written.
3. Take action on the following liquor license applications:

*3a. Trader Joe's #89

Person to Person Location to Location Transfer Beer and Wine Bar License for Trader Joe's #89, 2050 E Baseline Road, Trader Joe's Company – H. J. Lewkowitz, Agent. This location presently has a Beer and Wine Store License under Trader Joe's Company that will revert back to the State. **(District 2)**

*3b. Circle K Store #9153

New Beer & Wine Store License for Circle K Store #9153, 1210 S. Higley Road, Circle K Store Inc. – Kim Kenneth Kwiatkowski Agent. The previous Beer & Wine Store License held at this location by Station Operators Inc. will revert back to the State. **(District 6)**

*3c. Circle K Store #9158

New Beer & Wine Store License for Circle K Store #9158, 1945 S. Stapley Drive, Circle K Store Inc. – Kim Kenneth Kwiatkowski Agent. The previous Beer & Wine Store License held at this location by Station Operators Inc. will revert back to the State. **(District 4)**

*3d. Circle K Store #9175

New Beer & Wine Store License for Circle K Store #9175, 1961 S. Val Vista Drive, Circle K Store Inc. – Kim Kenneth Kwiatkowski Agent. The previous Beer & Wine Store License held at this location by Station Operators Inc. will revert back to the State. **(District 6)**

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*3e. Circle K Store #9179

New Beer & Wine Store License for Circle K Store #9179, 1203 S. Power Road, Circle K Store Inc. – Kim Kenneth Kwiatkowski Agent. The previous Beer & Wine Store License held at this location by Station Operators Inc. will revert back to the State. **(District 6)**

*3f. Circle K Store #9191

New Beer & Wine Store License for Circle K Store #9191, 1153 S. Signal Butte Road, Circle K Store Inc. – Kim Kenneth Kwiatkowski Agent. The previous Beer & Wine Store License held at this location by Station Operators Inc. will revert back to the State. **(District 6)**

*3g. Mo's On The Green Sports Grill

New Restaurant License for Mo's On The Green Sports Grill, 801 S. Power Road Ste 101, Mr. Baseball AZ LLC, Brett P. Grebe, Agent. The previous Restaurant License held at this location by Bench Warmers Enterprises Inc. was surrendered to the State Liquor Board on March 31, 2009. **(District 6)**

4. Take action on the following contracts:

*4a. Purchase of Early Intervention Database Software for the Police Department, Internal Affairs (Fully Funded Asset Forfeiture [RICO] Funds) **(Citywide)**

The Business Services Department recommends awarding the contract to CI Technologies, Inc. at \$46,675.20, including applicable use tax.

*4b. Purchase of a Replacement Forklift for the Water Resources Department **(Citywide)**

The Business Services Department recommends awarding the contract to the lowest, responsive and responsible bidder, H & E Equipment Services at \$25,440.75, including applicable sales tax.

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*4c. Term Contract for Police Motorcycle Maintenance and Repair Services for the Police Department **(Citywide)**

The Business Services Department recommends awarding the contract to Probit Cycle, Inc. at \$150,000.00, based on estimated annual purchases.

*4d. Purchase of Additional Infrastructure to Expand TOPAZ Radio Coverage (Fully Funded Public Safety Bonds – Partial Reimbursement from TRWC Members) **(Citywide)**

The Business Services Department recommends awarding the contract to Motorola, Inc. at \$293,329.76, including applicable sales tax.

*4e. Purchase of Replacement Microwave Network Switches and Edge Routers for the Communications Department (Fully Funded Public Safety Bond) **(Citywide)**

The Business Services Department recommends authorizing purchase from the cooperative contact with Torrey Point Group, Inc. at \$920,172.00, including applicable use tax.

*4f. Hermosa Vista Sulfide Station **(District 5)**

City Project No. 02-364-002. Wastewater produces odors in the City's sanitary sewer collection system that are typically the result of the presence of hydrogen sulfide gas. The City applies chemicals at strategic locations throughout the City to control the production and release of sulfide gas. These facilities are called Sulfide Control Stations (SCS) and are used to supply the chemicals into the wastewater system. This project will relocate an existing city owned sulfide control station from the Northwest Water Reclamation Plant (NWWRP) to this location.

Recommend award to the low bidder, City Wide Contracting LLC, in the amount of \$308,070.00 plus an additional \$30,807.00 (10% allowance for change orders) for a total award of \$338,877.00. Funding is available in the adopted FY 09/10 Wastewater Capital Bond Program.

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*4g. Electrical Circuit Conversion – Circuit 101 Undergrounding
(District 2)

City Project No. 02-384-004. The Energy Resources Department, Electric Division, has ongoing electric distribution circuit voltage conversion projects. There is a service territory island located approximately one-quarter mile east of Stapley Drive, roughly bounded by Main Street, Harris Drive, 2nd Street and Barkley, that is served by 4 kilovolt (kV) circuit known as Circuit 101. This circuit is being upgraded from a 4 kV to 12 kV, which requires the distribution line to be upgraded. This overhead line segment currently shares a series of shared power poles with Salt River Project (SRP) Electric, Cox Cable and Qwest Telephone lines. To properly increase the voltage rating, additional clearance and separation is required from the SRP electric line. No public electric service interruptions are anticipated.

Recommend award to the low bidder, Utility Construction Company, Inc., in the amount of \$106,382.75 plus an additional \$10,638.28 (10% allowance for change orders) for a total award of \$117,021.03. Funding is available in the adopted FY 09/10 Electrical Bond Capital Program.

5. Take action on the following resolutions:

*5a. Approving and authorizing the City Manager to execute a Highway Safety Contract with the Governor's Office of Highway Safety to accept grant funds in the amount of \$34,064 for officer assigned to Arizona's Impaired Driving Enforcement Program for 3.5 months.

*5b. Approving and authorizing the City Manager to execute a Memorandum of Understanding to accept grant funds in the amount of \$253,803 made available through the 2009 Byrne Justice Assistance Grant Program to be used to purchase and install a document management system in the Police Department.

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- *5c. Approving and authorizing the City Manager to execute a Memorandum of Understanding with the United States Marshals Service to accept grant funds in the amount of \$15,572 per officer assigned to the U.S. Marshals Service District Fugitive Apprehension Task Force.
- *5d. Levying the amount to be raised by a Secondary Property Tax Levy and the rate upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City of Mesa for the Fiscal Year ending June 30, 2010.
- *5e. Approving and authorizing the City Manager to execute an Amendment to an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for the construction of a Shared-Use Path along the Consolidated Canal from E. 8th Street to E. Main Street. There is no City Share from Mesa for this project. (Funding by the American Recovery and Reinvestment Act up to a maximum of \$750,000) **(District 2)**
- *5f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the Maricopa Association of Governments and the Arizona Department of Transportation for the advancement of design and right-of-way acquisition on Gateway Freeway, State Route 802.

6. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *6a. **Z09-13 (District 4)** 32 and 42 South Center Street. Located south of Main Street on the west side of Center Street (1.9± acres). Council Use Permit. This request will allow the expansion of an existing charter school. David French, owner; Wade Melchin, Heritage Academy, applicant. **(Notified property owners, homeowners associations and registered neighborhoods.)**

PHO Recommendation: Approval with conditions.

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- *6b. Approving the First Amendment to the Nonexclusive, 2003 Cable Television Renewal License with COXCOM, Inc. and authorizing the City Manager to sign the Amendment.
 - *6c. Adopting and authorizing the City Manager to execute an agreement that incorporates all provisions contained in the existing Southwest Gas franchise until November 2, 2010.
- 7. Introduction of the following ordinance and setting August 24, 2009, as the date of the public hearing on this ordinance:
 - *7a. Repealing Title 6, Chapters 12 and 19 of the Mesa City Code in its entirety and adopting a new Title 6, Chapter 12 relating to offensive, excessive and prohibited noises.
- 8. Discuss, take public comment and take action on the following Minor General Plan Amendment, Development Agreement and zoning case: **(Continued from the July 1, 2009 Council meeting)**
 - 8a. Public Hearing on Minor General Plan Amendment **GPMInor09-03 (District 6)**
 - 8b. Take action on the following resolutions:

GPMInor09-03 (District 6) The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 and north of Baseline Road (54± acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Mixed Use Residential to High Density Residential 15+ du/acre (20± acres) and Neighborhood Commercial (34± acres). David Gilmcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant. (Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)
COMPANION CASE Z08-47

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8c. Approving and authorizing the City Manager to execute the Development Agreement with GVSW – 202/60 LLD to establish quality of development and restrictions on uses for property to be developed as “Baseline Center” on the north side of Baseline Road just west of the 202 Freeway.

8d. Take action on the following ordinance introduced at a prior Council meeting:

Z08-47 (District 6) The 8200 to 8500 blocks of East Baseline Road (north side) Located west of the Loop 202 on the north side of Baseline Road (54± acres). Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2 (34± acres) and R-4 (20± acres) and the establishment of the “Baseline Center” Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a development with a mixture of residential, office and retail uses. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant.
(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) COMPANION CASE GPMInor09-03

P&Z Recommendation: Approval with conditions.
(Vote 4 - 0 – 1 Boardmember Carter abstained)
(Boardmembers Salas and Roberts absent)

9. Discuss, take public comment and take action on the following Minor General Plan Amendment: **(Continued from the July 1, 2009 Council meeting)**

9a. Public hearing on Minor General Plan Amendment
GPMInor08-11 (District 6)

9b. Take action on the following resolution:

GPMInor08-11 (District 6) 8260 East Baseline Road. Located west of the Loop 202 and north of Baseline Road (14.5± acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Mixed Use Residential (MUR) to High Density Residential 15+ du/acre (HDR 15+). Loren &

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Colette Jessen; JesscoDev. LLC, owner; Sean Lake; Pew and Lake, PLC, applicant. **(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)**

P&Z Recommendation: Approval with conditions.
(Vote: 4 – 0 – 1 Boardmember Carter abstained)
(Boardmembers Salas and Roberts absent)

10. Take action on the following subdivision plat:

*10a. “Stapley and McKellips Plaza Condominiums” – **(District 1)**
1242 E. McKellips Rd. (north side) located east and north of
McKellips Road and Stapley Drive. 2 C-2 condominium units
(.512 ac.) Stapley and McKellips LLC, owners; Edward F.
Vincent, Olsson Associates, surveyor.

11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).